

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

MARY JO'EL STURM, O.D., DAWN)	
HOLSTED, O.D., JARED C. FREEMAN,)	
O.D., STEPHANIE GOINS, AND)	
STEPHANIE SOLES STROJNY,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. CIV-12-1158-M
)	
TLC VISION (USA) CORPORATION)	
AND TLC HOLDINGS, INC.,)	
)	
Defendants.)	

ORDER


Before the Court is Plaintiffs' Motion for Temporary Restraining Order and Temporary and Permanent Injunction filed in Oklahoma County District Court on October 19, 2012. This case was transferred to this Court on October 22, 2012. Prior to the filing of this case defendants filed an action in the United States District Court Eastern District of Missouri Eastern Division Case No. 4:12-cv-01855-ERW seeking temporary, preliminary and permanent injunction enjoining plaintiffs in this case from certain activities which defendants TLC Vision (USA) Corporation and TLC Holdings, Inc. allege violate the same employment agreements at issue in the instant case. On October 24, 2012, the Missouri Court granted TLC's motion for a temporary restraining order as to 4 of the 5 plaintiffs as well as all other persons involved finding Missouri Law governs. The Missouri Court also set a preliminary injunction hearing.

Upon consideration of the parties submissions the Court finds the Missouri Court was first to obtain jurisdiction of the parties and issues herein and should be allowed to decide issues before this Court. *See O'Hare International Bank v. Lambert*, 459 F.2d 328 (10th Cir. 1972) *See also Hospah Coal Co. v. Chaco Energy Co.*, 673 F.2d 1161, 1163 (10th Cir. 1982). Additionally, the

Court finds that the prosecution of two cases between the same parties involving the same issues would be a waste of time and judicial resources and would leave the parties subject to differing decisions.

The Court, therefore, finds Plaintiffs' Motion for Temporary Restraining Order and Temporary and Permanent Injunction [docket no. 1-2] is DENIED.

IT IS SO ORDERED this 8th day of January, 2013.



VICKI MILES-LaGRANGE
CHIEF UNITED STATES DISTRICT JUDGE